

Comments
2/24/00 MBL

BC 71-00 Lorden, John & Lisa
VAR. # 00-01

MSA-S-1829-911

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 24, 2000

Mr. Keith Kelley
Baltimore County Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, MD 21202-4488

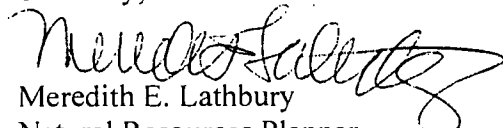
RE: Lorden Property Buffer Variance Request (# 00-01)

Dear Keith:

Thank you for the opportunity to review the above referenced buffer variance request. The applicant is seeking to construct a 20' x 30' (600 square feet) addition to an existing structure on a 0.27 acre (11,761 square feet) property located in a designated Limited Development Area (LDA). The proposed structure will increase impervious surfaces on the property by 600 square feet, bringing the total impervious surfaces on the property to 22.4%. The impervious surfaces on this property are limited to 31.24%. The proposed structure infringes on the 100-foot Buffer to Darkhead Creek by forty (40) feet. We do not oppose the variance as proposed, however, we ask that the applicant provide 3:1 mitigation for disturbance to the 100-foot Buffer by planting native vegetation in the Buffer.

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions, please do not hesitate to contact me at (410) 260-7123.

Sincerely,


Meredith E. Lathbury
Natural Resources Planner

cc: BC 71-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

March 10, 2000

Mr. and Mrs. John Lorden
210 E. Kingston Park Lane
Baltimore, MD 21220

RECEIVED

MAR 22 2000

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Re: 210 E. Kingston Park Lane
Critical Area Administrative Variance

Dear Mr. and Mrs. Lorden:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to construct a 20' x 30' addition in the 100 foot tidal buffer to Dark Head Creek. The existing 8' x 30' front porch will be part of this addition. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five (5) of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. A home already exists onsite, with a majority of the footprint in the 100 foot buffer. A significant portion of the lot is in the 100 foot buffer. There are no other alternatives in locating the addition out of the 100 foot buffer. A literal enforcement of the regulations would prevent the addition, resulting in unwarranted hardship.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Many of the older properties along the Chesapeake Bay waterfront have homes with additions within the 100 foot tidal buffer. A similar variance would be granted on another waterfront lot under similar circumstances.

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Granting of this variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area.

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Mr. and Mrs. John Lorden
March 10, 2000
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The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. This variance is not based upon conditions or circumstances which are the result of your actions.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. With mitigation, granting of the variance will not adversely affect water quality, or adversely impact fish, wildlife, or plant habitat.

Based upon our review, it is this Department's findings that the first four of the above criteria have been met, and that the fifth criterion can be met by planting eleven (11) 5-6 foot high, native deciduous trees from the enclosed list on the waterward side of the dwelling, removing 360 square feet of existing impervious surface (excluding the porch to be removed), or paying a fee-in-lieu of \$432.00. Therefore, the requested variance is hereby approved in accordance with Section 26-445(c) of the Baltimore County Code with the following conditions:

1. The attached "Notice of Granting of Variance" must be published in The Avenue, Dundalk Eagle or The Essex Times. Final variance approval cannot be granted until fifteen (15) calendar days after the notice has been published. A copy of the Certificate of Publication for the advertisement issued by the newspaper, or a copy of the advertisement from the paper must be submitted to this office prior to receiving final variance approval.

2. Any tree plantings or impervious surface removal must be completed by May 15, 2000. Any fee-in-lieu must be paid prior to permit approval.

It is the intent of this Department to approve this variance subject to the above conditions. Changes in site layout may require submittal of revised plans and an amended variance request.

Please sign the statement on the next page and then return a copy of the letter along with your Certificate of Publication to this Department c/o Mr. Roy List of Environmental Impact Review. Failure to return a signed copy of this letter and the other item may result in delays in processing of permits or other development plans for the subject property, and/or may render this variance null and void.

Mr. and Mrs. John Lorden
March 10, 2000
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If you have questions regarding this project, please contact Mr. Keith Kelley at (410) 887-3980.

Sincerely,



George G. Perdikakis
Director

GGP/kk

cc: Ms. Regina Esslinger, CBCA Commission
Mr. Roy List

attachment

I/We have read and agree to implement the above requirements to bring my/our property into compliance with Chesapeake Bay Critical Area regulations. Please specify the type of mitigation that you have chosen below your signature.

Signature Date

Signature Date

kdk#8/lorden2